IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mrs. JUSTICE T.MEENA KUMARI

WRIT PETITION No. 8826 of 1995

Between:

1. Y. Sulochanamma w/o Srinivasulu reddy
aged about 53 years, R/o H.No. 6-12/20/A K.B layout ,

Tirupathi Chittoor Dist
2. Y. Jagadeeshwari W/o. M Chandrashekar Reddy
aged about 37 years, residing at Barkatpura Hyderabad.
3. Y V Shiva Kumar S/o Y Srinivasulu Reddy
aged about 32 years, R/o H.No. 6-12/20/A K B Layout

Tirupahi Chittoor Dist

..... PETITIONERS

AND

1 The Sub-Registrar of Assurance and Registration,.
Tirupathi, Chittoor District
2 The Mandal Revenue Officer
Tirupathi, Chittoor District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to ISSUE WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION DECLARING THE ACTION OF THE 1st RESPONDENT IN NOT ON THE ALLEGED INSTRUCTION OF THE 2nd RESPONDENT IN RESPECT OF THE LAND OF AN EXTENT OF AC. NO.0-50 CENTS OUT OF TOTAL EXTENT OF AC.6-17 CENTS IN T.S NO.65 OF TIRUPATHI, CHITTOOR DIST WITH OUT JURISDICTION AND CONSEQUENTIALLY DIRECT THE 1ST RESPONDENT TO REGISTER THE SALE DEEP IN RESPECT OF THE ABOVE LAND.

Counsel for the Petitioners: MR.M.CHANDRASEKHAR REDDY

Counsel for the Respondent s: GP FOR REVENUE

The Court made the following:

ORDER:

Aggrieved by the action of the 1st respondent, the petitioner approached this Court, seeking declaration that the action of the 1st respondent in not registering the sale deed of the petitioner is illegal and arbitrary.

2. The petitioner contends that he is a purchaser of land of an extent of Ac.0.50 cents, out of total extent of Ac.6.17 cents in T.S.No.65, under cover of an unregistered sale deed dated 02.10.1982 for a consideration of Rs.45,000/-.He further contends that subsequently, he approached the 1st respondent for the purpose of registration of sale transaction, but the 1st respondent has refused to register the same on the ground that the said land is Government Assigned land.

3. On the other hand, the respondents contend that the land in question is the Government land, as per the list of Government lands, furnished by the Mandal Revenue Officer, Tirupathi, and the Government issued instructions in its Memo No.1608/U2/87-1 Revenue (U) Department, dated 22.05.1987 not to register any transaction affecting Government lands.

4. Except claiming that the land in question vests with the Government, there is no material available on record to substantiate the claim of the respondents. However, the respondents are at liberty to seek their remedies before appropriate Forum. The registration of a document itself does not confer any title. The 1st respondent has no power to go into the title of the persons before registering the documents. Mere registering a document, will not affect the right of the Government and the Government has every right to resume the land in due process of law after proving its title over it.

5. Therefore, I deem it appropriate to direct the 1st respondent to register the sale deed in question, if not already been registered, within a period of three (3) months from the date of receipt of a copy of this order.

6. The Writ Petition is, accordingly, disposed of. No costs. However, this Order will not preclude the respondents in seeking their remedies before an

appropriate Forum.

dsr

ASSISTANT REGISTRAR

// **TRUE COPY** //

SECTION OFFICER

To:

1. The Sub-Registrar of Assurances and

Registration, Tirupathi, Chittoor District

2. The Mandal Revenue Officer,

Tirupathi, Chittoor District

3. Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad (OUT)

4. Two CD copies.